

MTIP001US

REMARKS

In reply to the Interview Summaries for the October 23, 2002 and February 26, 2003 interviews prepared by Examiner Crepeau on forms PTO-413, applicants concur with said summaries.

5 Remarks to follow are numbered to correspond with the office action.

2,3. As applicants pointed out in the August 13, 2002 office action reply, claims 20 and 40 are based on the discussion in the disclosure beginning at page 23, line 10. As was discussed
10 at some length in this August 13, 2002 office action reply, it is important to consider the "interpretation of the words 'ordering' and 'refill' in applicants' claims 20 and 40."

Applicants' disclosure uses the phrases "orders a source fuel 330 refill" (page 23, line 15) and "order a source fuel 330
15 refill" (page 23, line 25). Claims 20 and 40 as originally filed, which are thus considered part of the original disclosure, both use the phrase "ordering a refill of a source fuel."

According to *Encarta® World English Dictionary* © 1999
20 Microsoft Corporation, the word "order" has twenty-four definitions as a noun and five definitions as a verb. The usage of the root "order" in the original disclosure is clearly as a verb. The definitions of the verb "order" as given in *Encarta®* are as follows:

25 "verb (past **or·dered**, past participle **or·dered**, present participle **or·der·ing**, 3rd person present singular **or·ders**)

1. transitive verb **give somebody instructions**: to command

MTIP001US

somebody to do something • *The colonel ordered the troops to move out.*

2. *transitive verb prescribe something:* to give an instruction for something to be done

5 3. *intransitive and transitive verb request something:* to give an instruction for something to be provided, for example, food in a restaurant or merchandise from a manufacturer or supplier

4. *transitive verb arrange items:* to arrange items in a particular way, especially in the sequence in which they are to
10 be dealt with • *addresses ordered by zip code*

5. *transitive verb arrange things neatly:* to put things into a neat, well organized state or into the required state • *ordered her business affairs prior to leaving for the summer"*

Given that all uses in the disclosure are of the basic form
15 "order a refill," it is clear that definition 3 is that which is intended in the disclosure, namely, the "*intransitive and transitive verb request something:* to give an instruction for something to be provided, for example, food in a restaurant or merchandise from a manufacturer or supplier" In this instance,
20 what is disclosed is that the "merchandise from a manufacturer or supplier" is in fact a "source fuel refill."

Further, according to *Encarta*®, the word "refill" has definitions as a verb and as a noun. In the underlying phrase "order a refill" used in the disclosure, refill is clearly a
25 noun - it is the object of the intransitive and transitive verb "order." The four noun definitions of "refill" are set forth below:

MTIP001US

"noun (plural **re-fills**)

1. **something that fills again:** a sufficient amount of something to fill a container again after it has been emptied

2. **BEVERAGES another drink:** another drink to refill an empty

5 glass or cup

3. **COMMERCE replacement for contents of container:** an amount of a product packaged as a replacement for the used up contents of a previously purchased product

4. **MEDICINE further amount of a prescribed medicine:** a further
10 amount of a medication prescribed on a previous occasion"

The only of the above definitions which are suitable in the context of the disclosure are numbers **1** and **3**. However, given that the use of the word "order" is "**request something:** to give an instruction for something to be provided, for example, food
15 in a restaurant or merchandise from a manufacturer or supplier," it is clear that commerce definition number **3**, "**replacement for contents of container:** an amount of a product packaged as a replacement for the used up contents of a previously purchased product" is the most suitable definition.

20 Finally, the phrase "order a refill" itself, which juxtaposes "order" together with "refill," has a clearly understood meaning and common usage in and of itself. It is commonly understood and used in the commercial sense of requesting replacement merchandise such as food, beverage, fuel,
25 medicine, etc., from a manufacturer or supplier thereof.

Claims 20 and 40, as amended, now specify that "said ordering comprises ordering from a supplier of source fuel

MTIP001US

replacements." These claims are thus amended to expressly accord with the understanding and interpretation of the term "order a refill" that was clearly intended by applicants in preparing the disclosure and the original claims. This is

5 further in accord with and well-supported by the objective dictionary definitions most suitable for the phrase "order a refill," based on the separate definitions of "order" and "refill," as well as the juxtaposition of these two words in this commonly-used and understood phrase "order a refill."

10 Finally, this is well-supported by the clear usage of these words and of this phrase in the context of applicants' disclosure.

In applicants' view, claims 20 and 40 as amended, so as to accord clearly to the definitions and interpretations set forth

15 above, clearly distinguish over the cited combination of Edlund and Tsutsumi, and should be allowed. Edlund appears only to disclose providing new fuel from an external source connected directly into the system similarly to page 23, lines 3-9 of applicants' disclosure (see applicants' August 13, 2002 office

20 action reply), while Tsutsumi appear only to disclose replacing the main tank without interrupting operation. Neither patent discloses or suggests or motivates "automatically ordering . . . from a supplier of source fuel replacements" as set forth in amended claims 20 and 40.

25 Because these proposed amendments simply make explicit definitions for the phrase "order a refill" which have implicitly applied since the original filing of claims 20 and

MTIP001US

40, and help place the application in condition for allowance,
the additional work required for examiner to review these claims
on the merits should be minimal. Thus, applicants respectfully
request entry of these amendments, and allowance on the merits,
5 of claims 20 and 40.

Additionally, since this amendment simply makes explicit
what was implicit in claims 20 and 40 at the time of filing,
there should be no impact under *Festo*.

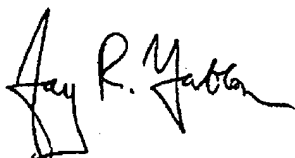
4.5. As all other claims are already allowed, applicants
10 respectfully look forward to a notice of allowance in the near
future.

MTIP001US

VERSION WITH MARKINGS TO SHOW CHANGES MADE

- 1 20. (twice amended) A fuel cell system, comprising:
2 a telecommunications link for automatically ordering a
3 refill of a source fuel for said fuel cell system, in response
4 to a measurement of how much of said source fuel remains in a
5 fuel tank of said fuel cell system; wherein:
6 said ordering comprises ordering from a supplier of source
7 fuel replacements~~remote source~~.
1 40. (twice amended) A method for maintaining a fuel level in a
2 fuel tank of a fuel cell system, comprising the step of:
3 automatically ordering a refill of a source fuel for said
4 fuel cell system over a telecommunications link of said fuel
5 cell system, in response to a measurement of how much of said
6 source fuel remains in said fuel tank; wherein:
7 said ordering comprises ordering from a supplier of source
8 fuel replacements~~remote source~~.

Respectfully submitted,



Jay R. Yablon
Registration # 30604

910 Northumberland Drive
Schenectady, New York 12309-2814
Phone / Fax: 518-377-6737
Email: jyablon@nycap.rr.com